



## GALLATIN COUNTY

311 West Main, Rm. 306 • Bozeman, MT 59715

Senate Local Govt. Comm.

Exhibit No. 3

Date 3/18/2011

Bill No. HB 403

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Senator Sonju, Chairman  
Senate Local Government Committee

March 18, 2011

### Re: HB403 – An Act Revising the Cluster Development Laws

Dear Mr. Chairman and Distinguished Members of the Committee:

Thank you for considering Representative MacLaren's proposed legislation to modify the requirements of cluster development regulations. On behalf of the people of Gallatin County I would like to urge your Committee to support HB403.

A few years ago Gallatin County explored creating a cluster development program and while the Cluster Development Act includes some powerful incentives for developers, we were ultimately deterred from using the Act because of the mandate that subdivision open space be preserved with an irrevocable, perpetual conservation easement. In our opinion, the mandate for conservation easements is the primary reason why the Act has not been widely implemented by local governments around the state. The proposed modification to the Act will allow local governments to adopt cluster development regulations, take advantage of the powerful incentives provided by the Act, and retain discretion as to how the open space within those developments is preserved and documented.

We thank you for your careful consideration of this important issue and urge a "Do Pass" vote on HB403. If you have any questions or concerns please feel free to contact: **Michael Harris, Gallatin County Legislative Liaison, 311 West Main, Room 304, Bozeman, MT 59715, Phone: 406/580-3029, Fax: 406/582-3003, Email: [mike.harris@gallatin.mt.gov](mailto:mike.harris@gallatin.mt.gov).**

Sincerely,

William A. Murdock, Chairman  
Gallatin County Commission